IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	
Inventors: Colin I'ANSON et al.	: Confirmation No. 5161
	:
U.S. Patent Application No. 09/881,040	: Group Art Unit: 2645
	:
Filed: June 15, 2001	: Examiner: MD ELAHEE
For: SERVICE DELIVERY METHOD AND SYSTEM	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

SUPPLEMENTAL BRIEF ON APPEAL

Further to the Notices of Non-Compliant Appeal Brief mailed September 2, 2009, June 17, 2009, and May 12, 2009, in connection with the above-identified application on appeal, submitted herewith is Appellant's Supplemental Brief on Appeal. The $540 for statutory fee has already been paid.

To the extent necessary, Appellant hereby requests any required extension of time under 37 C.F.R. §1.136 and hereby authorizes the Commissioner to charge any required fees not otherwise provided for to Deposit Account No. 08-2025.

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I.   Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, L.P., a Texas limited partnership.

II.   Related Appeals and Interferences

There are no related appeals and/or interferences.

III.   Status of Claims

A. Total Number of Claims in Application

1. There are 48 claims in the application, identified as claims 1-48.

B. Status of All the Claims

1. Claims canceled: 2-6, 12 and 43

2. Claims withdrawn from consideration but not canceled: 28-42, 44, 47 and 48

3. Claims pending: 1, 7-11, 13-42 and 44-48

4. Claims allowed: None

5. Claims rejected: 1, 7-11, 13-27, 45 and 46

C. Claims on Appeal

1. Claims on appeal: 1, 7-11, 13-27, 45 and 46

IV.   Status of Amendments

All amendments have been entered. There was no amendment after the final rejection.

V. Summary of Claimed Subject Matter

Claim 1 is directed to a service delivery method broadly illustrated in the diagram of figure 6, including the main logical components of a service delivery method (page 1, lines 4, 5; page 11, lines 19, 20). In the method, a user 70 purchases a service or product which qualifies the user to benefit from a particular location-triggered service (page 13, lines 21-25). After the purchase has been made, (1) location data indicative of at least one location where service delivery is to be triggered are stored in location description repository 73 (page 12, lines 25-32); and (2) a user-associated instance of an executable program for implementing the particular service is stored in service repository 75 (page 13, lines 1-3). The program instance is customized for the purchase and is distinct from the location data (page 14, line 16-28; page 15, line 31-page 16, line 3; page 24, line 8; page 21, lines 27, 28). After storing operations (1) and (2), location comparator engine 78 detects a location match between the location of the user, as indicated by the location of mobile device 20 (figures 7-10; page 16, lines 6-8; page 16, lines 24, 25; page 17, lines 7, 8; page 18, lines 16, 17) and a location indicated by the location data 74 in location repository 73 (page 13, lines 4-6; page 13, lines 11-15; page 12, lines 14-16). Thereupon, service execution environment 79 initiates execution of the user-associated program instance to deliver the particular service to user 70 (page 13, lines 12-15).

It is helpful to consider the relationship between the exemplary service delivery scenario described on page 14, lines 1-11 vis-à-vis the service delivery method of claim 1. The customer buying an airline flight ticket is the requirement of claim 1 to conduct a transaction of a user purchasing a service which qualifies the user to benefit from a particular location-triggered service. The location-triggered service of claim 1 is inviting and directing the customer to the airline lounge upon the customer's arrival at the airport. The airport is the location data 74 that is (1) indicative of the location where the service delivery is to be triggered and (2) stored in location description repository 73 after the customer has bought his ticket. The user-associated instance of an executable program for implementing the particular service of claim 1 is the generation of service instance 76 that identifies the purchase by the customer of the airline flight ticket and indicates that the

customer is to receive a message on his cell phone that he is to be invited and directed to the airline lounge when the customer arrives at the airport. This service instance 76 is stored in service repository 75 after the customer has bought his ticket and is distinct from the location data 74 stored in location description repository 73. The requirement of claim 1 for subsequently detecting a location match reads on the arrival of the customer arriving at the airport after the purchase of the ticket. When the customer arrives at the airport, location comparator engine 78 matches the location of the customer, as indicated by the location of the customer's cell phone, and the location of the airport, as indicated by the location data 74 stored in location description repository 73. The requirement of claim 1 for "thereupon initiating execution of the user-assisted program instance to deliver said particular service to the user" relates to the fact that when the purchaser arrives at the airport the cell phone of the purchaser is supplied with the service instance 76 so the customer receives a message on his cell phone that he is invited to the airline lounge and is provided with directions to the lounge.

Claim 18 is directed to a service delivery system illustrated in figure 6 (page 1, lines 4, 5; page 11, lines 19, 20). The system comprises location-data repository 73 (page 12, lines 30-32), service repository 75 (page 12, lines 29, 30), service factory 72 (page 12, lines 21-24 and a qualification subsystem in the form of service factory client 71 and service factory 72 (page 14, line 21-page 15, line 10). The qualification subsystem conducts a transaction of user 70 purchasing a service or product that qualifies the user to benefit from a particular location-triggered service. The qualification subsystem, upon determining that the user is so qualified, (1) stores in the location-data repository 73 location data 74 indicative of at least one location where service delivery is to be triggered, and (2) creates in service factory 72 a user-associated instance 76 of an executable program for implementing the particular service. The user-associated instance 76 of an executable program is stored in service repository 75 (page 12, line 21-page 13, line 22). The program instance 76 is customized for the transaction and is distinct from the location data 74, as is evident from the separate lines in figure 6 leading from service factory 72 to location description repository 73 and to service repository 75. Service execution environment

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79 executes user-associated program instances 76 applied to it by service repository 75 (page 13, lines 11-22). Location-match subsystem 78 detects a location match between the location of user 70, as indicated by the location of mobile entity 20 (figures 7-10; page 16, lines 6-8; page 16, lines 24, 25; page 17, lines 7, 8; page 18, lines 16, 17) associated with user 70, and a location indicated by location data 74 in repository 73 (page 13, lines 11-15). Service execution environment 79 includes a control arrangement responsive to location-match subsystem 78 detecting the location match to initiate execution of the user-associated program instance to deliver the particular service to the user.

VI. Grounds of Rejection to be Reviewed on Appeal

A. The rejection of claims 1, 8, 9, 11, 14, 16 and 23-26 under 35 USC 103(a) as being unpatentable over Valentine et al. (US Patent 6,011,973) in view of Tarbox (US Patent 5,705,798).

B. The rejection of claim 7 under 35 USC 103(a) as being unpatentable over Valentine et al. in view of Tarbox and Eldridge et al. (US Patent 6,601,102).

C. The rejection of claim 20 under 35 USC 103(a) as being unpatentable over Valentine et al. in view of Tarbox and Suzuki (US Patent 6,129,274).

D. The rejection of claims 45 and 46 under 35 USC 103(a) as being unpatentable over Valentine et al. in view of Tarbox and Seazholtz Et Al. (US Patent 5,594,789).

There is no need for the Board to separately consider dependent claims 10, 13, 15, 17-19 and 21, 22 or 27 because these claims rise and fall with the claims upon which they depend.

VII. Argument

A. The rejection of claims 1, 8, 9, 11, 14, 16 and 23-26 under 35 USC 103(a) as being unpatentable over Valentine et al. (US Patent 6,011,973) in view of Tarbox (US Patent 5,705,798).

1.   Common Reasons Why the Rejection of Independent Claims 1 and 18 are Wrong.

One of ordinary skill in the art would not have modified Valentine et al. as a result of Tarbox to arrive at the method of independent claim 1 or the system of independent claim 18.

The title of Valentine et al. indicates the reference is concerned with <u>restricting</u> the operation of cellular telephones to well delineated geographical areas. To this end, cellular telephone 100, figure 1, includes locating device 130 that determines the location of the cellular telephone. In a first embodiment, cellular telephone 100 also includes memory 150 containing information as to the allowable region of use of cellular telephone 100. In a second embodiment, cellular phone network 170 base station 180 includes a database 190 that stores information as to the permissible area of use of telephone 100. In response to cellular telephone 100 moving outside the allowable region of use, controller 120 of telephone 100 (the first embodiment) or base station 180 (the second embodiment) prevents operation of the cellular telephone. Hence, the very purpose of Valentine et al., that is, to <u>prevent operation</u> of cellular telephone 100, is the antithesis of appellants' service delivery method of claim 1 and service delivery system of claim 18, both of which require <u>initiating execution</u> of a user-associated program instance to deliver a particular service to a user in response to a location match between the place where the service can be delivered and the location of the user.

The rejection of claims 1 and 18 relies on figure 4; column 3, lines 19-23; and column 5, lines 16-29 of Tarbox, the secondary reference. In fact, the customized financial card of figure 4, which can be used as a combination bank card, credit card and/or debit card, and/or purse card (column 5, lines 39-41), is described at column 5, line 11-column 6, line 9 of Tarbox. The card of figure 4 is used with financial transaction terminal 101 which is described, e.g., as an ATM machine; column 4, lines 10-13 and column 5, lines 11 and 12. The card of figure 4 includes memory 401 having program memory space 403 and data memory space 405. Memory space 403 stores programming instruction sets which are associated with one or more financial

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transactions, such as withdrawing money from the ATM, paying bills and buying a lottery ticket, as illustrated in figure 5. The programming instruction sets are pre-selected by the user or issuer of the card, so that the instructions associated with the options are placed (that is, stored) on the card prior to use for a particular financial transaction (column 5, lines 21-24). Data memory space 405 contains stored data necessary to complete a financial transaction, such as the name and account number of the cardholder and security information. In use, instructions from the card are read by terminal 101 which responds to the card to indicate the options available to the user, as illustrated in figure 5. The user selects one of the financial transactions to be performed in the terminal, then reads and interprets the instructions associated with the selected option and executes the interpreted instructions to complete the transaction selected by the user.

The analysis of claim 1 in the final office action states Valentine et al., at column 1, lines 54-67, column 2, lines 1-14, line 45-column 3, line 20, discloses "qualifying the user as authorized to benefit from a particular location-triggered service." However, this statement is not in conformance with the wording of claim 1 which states "(a) conducting a transaction of a user purchasing a service or product which qualifies the user to benefit from a particular location-triggered service." In other words, qualifying the user is a result of the user purchasing a service or product, a limitation the last full paragraph on page 5 of the final rejection admits Valentine et al. does not disclose. Because Valentine et al. does not disclose a user purchasing a service or product, Valentine et al. can not disclose step (a) of claim 1. In other words, the allegation concerning "qualifying" in the final rejection is a non sequitur with regard to Valentine et al.

The analysis of claim 1 in the final rejection also ignores the requirement of the claim for location data indicative of at least one location where service delivery is to be triggered to be stored after the purchasing transaction has been conducted. Because the office action admits Valentine et al. does not disclose the purchasing transaction of claim 1, Valentine et al. cannot disclose performing a storing operation after a purchasing transaction has been conducted. Tarbox does not cure this deficiency

because the purchasing options are recorded on the card of figure 4 prior to any transaction being made by the user of the card.

The analysis of claim 1 also ignores the requirement for a user-associated instance of an executable program for implementing a particular location-triggered service to be stored after a purchasing transaction has occurred. The office action alleges "Tarbox teaches a user-associated instance of executable program, for implementing the particular service, the program instance being customized for said transaction and distinct from the location data." The statement ignores the requirement for storing such an executable program after a purchasing transaction has occurred. As discussed supra, Tarbox does not store an executable program after a purchasing transaction has occurred, but stores such programs prior to use for a particular financial transaction (column 5, lines 21-24).

The paragraph bridging pages 5 and 6 of the final office action admits Valentine et al. fails to disclose the claim 1 limitation for "a user-associated instance of executable program, for implementing the particular service, the program instance being customized for said transaction and distinct from the location data" and "initiating execution of the user-associated program instance to deliver the particular service to the user." The final office action alleges Tarbox discloses these features and that it would have been obvious to one of ordinary skill in the art to have modified Valentine et al. to include these features. As discussed supra, credit or debit card 401 is to be used at an ATM terminal 101. The office action provides no explanation as to how the Valentine et al. cellular telephone 100 is to be used in combination with the Tarbox financial card that is used at an ATM terminal.

The alleged motivation for modifying Valentine et al. with regard to the omission admitted in the last full paragraph on page 5 of the final office action is "to perform more electronic transaction of product such that a user can make a transaction in a particular area whenever he needs (sic)." The alleged motivation for modifying Valentine et al. with regard to the omission admitted in the paragraph bridging pages 5 and 6 is "to conduct one or more electronic transaction of product such that a user can enjoy making transaction in a particular place he is authorized without having any inconvenience (sic)."

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Because Valentine et al. is only interested in restricting the operation of cellular telephones to well delineated geographical areas (see the title and column 1, lines 11 and 12 of Valentine et al.), that is, preventing cell phone communications in a region where the cell phone owner is not authorized to use a cell phone, the alleged motivations have no basis from the Valentine et al. reference. In Valentine et al., the cell phone operating company, that is, the company that wants to limit the operation of cellular telephones to well defined geographical areas, is not interested in making a transaction in a particular area. The cell phone user only wants to make a call. The cell phone user certainly would prefer not to have geographic limitations the cell phone operating company is imposing on him/her. Since neither the cell phone operating company nor the cell phone user is interested in (1) performing more electronic transactions "of product such that a user can make a transaction in a particular area whenever he needs" or (2) conducting "one or more electronic transaction of product such that a user can enjoy making transactions in a particular place he is authorized without having any inconvenience," the alleged motivations are completely illogical. As a result, one of ordinary skill in the art would not have modified Valentine et al. as a result of Tarbox. The proposed combination is a classic example of an examiner reading the claims of an applicant and casting about to find disparate references having nothing to do with each other and combining them through the use of hindsight.

Independent claim 18 is stated to be "rejected for the same reasons as discussed above with respect to claim 1." Appellant has demonstrated why the rejection of claim 1 is wrong. Many, but not all, of these reasons are applicable to the rejection of claim 18; in particular the temporal limitations of claim 1 are not specifically set forth in claim 18.

2.   Additional Reasons Why the Rejection of Claim 18 is Wrong.

The final office action relies on column 3, lines 9-13 of Valentine et al. to state database 190 of Valentine et al. is the claimed service repository of claim 18. This statement ignores the requirement of claim 18 for the service repository to store a user-associated instance of executable program for implementing a particular location-triggered service that a user obtains by purchasing a service or product that qualifies the user to the benefit of the location-triggered service, wherein the storing operation occurs

upon a qualification subsystem determining that the user is qualified. It also ignores the requirement of claim 18 for the program instance to be customized for the transaction and to be distinct from the location data. Column 3, lines 9-13 of Valentine et al. only discusses a geographic criterion.

The final office action relies on column 1, lines 54-67, column 2, lines 1-14, column 2, line 45-column 3, line 20 and figure 1 of Valentine et al. to state cellular telephone network 170 of Valentine et al. is the claimed qualification subsystem. However, the office action ignores the requirement of claim 18 for the qualification subsystem to conduct a transaction of a user purchasing a service or product that qualifies a user to benefit from a particular location-triggered service. Cellular telephone network 170 of Valentine et al. does not conduct a transaction of a user purchasing a service or product.

The office action also ignores the requirement of claim 18 for the qualification subsystem to create in a service factory (which the examiner equivocates to base station 180 of Valentine et al.) a user-associated instance of executable program for implementing the particular location-triggered service. Valentine et al. states base station 180 provides services for cell phone 100. There is no disclosure of a user-associated instance of an executable program for implementing a particular location-triggered service being created in base station 180. The final office action fails to state a reason why one of ordinary skill in the art would have modified base station 180 so it could create a user-associated instance of an executable program for implementing a particular service.

The last paragraph on page 8 of the final office action equivocates telephone network 170 of Valentine et al. to the claimed qualification subsystem and states network 170 operates so that "upon determining that the user is so qualified, both to store in the memory location data indicative of at least one location where service delivery is to be triggered, and also to create in the base station (fig. 1; col. 1, lines 54-67, col. 2, lines 1-14, line 45- col. 3, line 20); (sic)." The foregoing quote is nonsense because of the phrase "to create in the base station." Perhaps, the examiner meant to state "to create in the base station a user-associated instance of executable program for implementing said

particular service," that is, some limitations in the last three lines of the subparagraph of claim 18 beginning with "a qualification subsystem." If so, such a position is contrary to the requirement of the last two lines of the subparagraph beginning with "a qualification subsystem" of claim 18, which requires the program instance to be customized for the transaction of a user purchasing a service or product that qualifies the user to benefit from a particular location-triggered service, and wherein the program instance is distinct from the location data. Valentine et al. has no disclosure of telephone network 170 meeting the foregoing requirements.

Because the final office action does not discuss the requirement of the last subparagraph of claim 18 there has been no attempt to establish a prima facie case of obviousness with regard to claim 18. The last subparagraph of claim 18 calls for a control arrangement responsive to a location-match subsystem detecting a location matched to initiate execution of the user-associated program instance to deliver the particular location-triggered service to the user. Valentine et al. terminates execution of cellular telephone operation in response to the cellular telephone moving outside the designated geographic area.

Tarbox fails to include any structures which are similar to (1) a cellular telephone network for conducting a transaction of a user purchasing a service or product or (2) a base station that has created in it a user-associated instance of an executable program for implementing a particular location-triggered service. Therefore, one of ordinary skill in the art would not have modified the Valentine et al. cellular telephone network or the Valentine et al. base station as a result of the Tarbox reference, to meet the limitations of claim 18. Based on the foregoing, the office action fails to establish a prima facie case of obviousness with regard to claim 18.

3. The limitations of claims 8, 9, 11, 14, 16 and 23-26 are improperly considered in the rejection based on Valentine et al. in view of Tarbox.

(a) The Rejection of Claim 8 is Wrong.

The rejection of claim 8, in the last full paragraph on page 5 of the office action, alleges one of ordinary skill in the art would have modified Valentine et al. as a result of

column 3, lines 19-23 and column 5, lines 16-29 of Tarbox to provide customization of a generic program for implementing location-triggered service. The alleged motivation for so modifying Valentine et al. is provide a customized display feature to a user. The office action provides no reason why, and appellants are unable to understand why, a user of a cell phone that is restricted to a particular geographic region wants to have a customized display feature.

<div align="center">(b)   The Rejection of Claim 9 is Wrong.</div>

The limitations of claim 9 are incorrectly discussed in the final office action by stating "Valentine teaches that service delivery is conditional upon the user downloading a location information [i.e., inputting a personal identification code] (col.1, lines 54-67, col.2, lines 1-14, 45- 60) (sic)." The implication that the Valentine et al. location information is the same as a user inputting a personal identification code is nonsense because location information indicates where something is and a personal identification code indicates who a person is. In addition, the user of the Valentine et al. cell phone does not input where he/she is; the location of the user is determined by location device 130. In contrast, claim 9 requires service delivery to be conditional upon the <u>user</u> inputting a personal identification code. There is no mention whatsoever of a user inputting a personal identification code or location information in the relied on portion of the reference.

The relied on portions of Valentine do not have anything to do with the limitations of claim 9. Column 1, lines 54-67 briefly describes the operation discussed above. Column 2 indicates cellular telephone 100 is equipped with memory 150 which can be independent or can be part of a Subscriber Identity Module (SIM) card 160. The information contained in memory 150 can either be preprogrammed or can be downloaded from a cellular telephone network via a base station; column 2, line 63-67. There is no indication of the information in memory 150 being responsive to a user of the cellular telephone inputting a personal identification code or location data.

<div align="center">(c)   The Rejection of Claim 17 is Wrong</div>

Claim 11 indicates service delivery is continued until completion, regardless of the location of the user. This limitation is completely contrary to Valentine et al., wherein service delivery is halted in response to the cell phone moving out of the well delineated geographical area. The allegation in the final office action that column 1, lines 54-67, column 2, lines 1-14 and column 3, lines 21-40 Valentine et al. disclose continuing service delivery until completion is (1) wrong, (2) contrary to the very purpose of the Valentine device, i.e., to prevent a user from using his/her cell phone outside of the coverage area, and (3) refuted by statements in the relied on portions of the reference operation indicating cell phone operation is disabled when the cell phone moves outside of its allowed area of operation.

The paragraph bridging pages 7 and 8 of the final office action is incomprehensible in the context of appellants' claim 14. This paragraph discusses appellants' claim 14 which (1) depends on claim 1, (2) requires multiple user-associated program instances associated with different services to be delivered to the same user, and (3) indicates the program instances are stored in a common repository. The paragraph bridging pages 7 and 8 of the office action, however, refers to a "user-associated program-code instance that is a customization of a generic program for implementing the service." Explanation of this statement has been requested but has not been forthcoming.

(d)   The Rejection of Claim 16 is Wrong

In the rejection of claim 16, the office action alleges Valentine et al. includes a trusted location service provider that inherently digitally signs a current user location. The office action however fails to meet the requirements for a proper rejection based on inherency. A proper rejection based on inherency requires (1) the prior art to <u>necessarily</u> include the alleged inherent feature and (2) rationale and/or evidence to support the inherency allegation. The final office action does neither.

(e)   The Rejection of Claims 23 and 24 is Wrong

The rejections of claims 23 and 24 incorrectly state the Valentine et al. location information is the same as the requirement in these claims for a program instance.

However, claim 1, upon which claims 23 and 24 depend, indicates the program instance is distinct from the location data. Consequently, the analysis of claims 23 and 24 is contrary to this requirement of these claims.

(f)   The Rejection of Claim 25 is Wrong

The rejection of claim 25 incorrectly alleges the Valentine et al. "location updating," described at column 2, line 45-column 3, line 49, is the same as the claimed user-associated instance of an executable program for implementing a particular location-triggered service which is stored in a service provider system that the examiner apparently interprets as the cellular telephone network 170 of Valentine et al.. The relied on portion of Valentine et al. performs the "location updating" in cellular telephone 100 in response to instructions from base station 180. However, claim 25 requires the program instance to be executed by the service provider system. Because the Valentine et al. service provider system and cellular telephone 100 are not the same, Valentine et al. does not disclose the requirements of claim 25. Similarly, because the Valentine et al. service provider system and cellular telephone 100 are not the same, Valentine et al. does not disclose the requirements of claim 26 for the user-associated program instance and the location data are stored in the same entity.

B.   The rejection of claim 7, based on Valentine et al. in view of Tarbox, further in view of Eldridge et al., US Patent 6,601,102, is incomprehensible.

This rejection states Valentine et al. discloses (in its abstract; Figure 3; page 4, lines 14-20, and page 10, lines 6-14, 23 and 24) a user-assisted program instance including user identity data that is digitally-signed by a party that carried out a qualification step. However, neither the Valentine et al. abstract nor Figure 3 of Valentine mentions anything about digital signing. Further, Valentine et al. does not include a page 4 or a page 10. Appellants previously requested explanation but none has been forthcoming.

The rejection of claim 7 states one of ordinary skill in the art would have been motivated to have modified Valentine et al., as a result of Eldridge in order to perform secure token-based document transaction services using a key pair. Valentine et al. is

concerned with restricting operation of cellular telephones to well delineated geographical areas and is not at all concerned with token-based document transaction services, no less such services using a key pair. Consequently, one of ordinary skill in the art would not have modified the examiner's proposed combination of Valentine et al. and Tarbox as a result of Eldridge.

C. The rejection of claim 20 under 35 USC 103(a) as being unpatentable over Valentine et al. in view of Tarbox and Suzuki (US Patent 6,129,274).

The rejection of claim 20, which depends on claim 18, is wrong because the rejection of claim 20 is contrary to the rejection of claim 18. The rejection of claim 18 alleges the service repository is data base 190 of base station 180 of Valentine et al. The rejection of claim 20 asserts the service repository is in a mobile entity, i.e., cell phone 100 of Valentine et al. Hence, the rejection of claim 18 or 20 is, in this regard, wrong because the analysis of dependent claim 20 can not be contrary to the rationale of independent claim 18 upon which dependent claim 20 depends.

D. The rejection of claims 45 and 46 under 35 USC 103(a) as being unpatentable over Valentine et al. in view of Tarbox and Seazholtz Et Al. (US Patent 5,594,789).

The rejection of claims 45 and 46, based on Valentine et al., Tarbox and Seazholtz et al. is wrong because it is incomprehensible. This rejection admits neither Valentine et al. nor Tarbox discloses the requirement of claims 45 and 46 for the user associated program instance of claims 1 and 18, respectively, to include instructions advising a user to perform an act associated with the purchased service or product, wherein the act is in addition to and different from the purchased service or product. The rejection then goes on to state Tarbox discloses this feature at column 12, lines 9-22. The relied on portion of Tarbox has nothing to do with the requirements of claims 45 and 46, as an inspection of column 12, lines 9-22 indicates, and as admitted in the first few lines of page 14 of the final office action.

If the examiner meant to rely on column 12, lines 9-22 of Seazholtz, this potion of that reference fails to meet the requirement of the claims for the user to be instructed to

perform an act that is <u>in addition to and different from the purchased service or product</u>. The relied on portion of Seazholtz states the instruction advises the user how to purchase the product. Certainly an instruction to purchase a product differs from an instruction that is in addition to and different from the purchased service or product. An exemplary instruction that is in addition to and different from an instruction to purchase the product or service is the instruction set forth in the application and discussed in the Summary of the Claimed Subject Matter portion of this Brief as the buyer of the airline flight ticket being instructed that he/she is to receive a message on his/her cell phone that he/she is to be invited and directed to the airline lounge when the buyer arrives at the airport.

Reversal of the rejection is in order.

Respectfully submitted,

Colin l'Anson et al.

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VIII. Claims Appendix

1.   A service delivery method comprising the steps of:

(a) conducting a transaction of a user purchasing a service or product which qualifies the user to benefit from a particular location-triggered service and, after the transaction has been conducted, storing:

location data indicative of at least one location where service delivery is to be triggered; and

a user-associated instance of an executable program, for implementing said particular service, the program instance being customized for said transaction and distinct from the location data; and

(b) subsequently detecting a location match between the location of the user, as indicated by the location of a mobile entity associated with the user, and a location indicated by said location data, and thereupon initiating execution of the user-associated program instance to deliver said particular service to the user.

7.   A method according to claim **25**, wherein the user-associated program instance includes user identity data and is digitally-signed by the party that carried out the qualification in (a) whereby the service provider system can check the authenticity of the user-identity data, the user mobile entity having an associated key pair, formed by a public-key and a private key, and being required by the service provider system in (b) to

authenticate its identity by using its private key to sign and return data proposed by the service provider system.

8. A method according to claim **1**, wherein the user-associated program instance is a customisation of a generic program for implementing the service.

9. A method according to claim **1**, wherein in (b), service delivery is conditional upon the user inputting a personal identification code.

10. A method according to claim **1**, wherein service delivery only continues whilst the user's current location matches with a location indicated by the location data.

11. A method according to claim **1**, wherein once initiated, service delivery is continued until completion, regardless of the location of the user.

13. A method according to claim **1**, wherein the location data is indicative of multiple locations.

14. A method according to claim **1**, further including storing multiple user-associated program instances associated with different services to be delivered to the same user in a common repository.

15. A method according to claim **1**, wherein the user-associated program instance is passed by the party that carries out the qualification to the user or to a third-party, the program instance being digitally signed by the party that carries out the

qualification step whereby to enable an eventual service deliverer to check the origin and authenticity of the user-associated program instance.

16. A method according to claim **1**, wherein the current user location is provided to the entity carrying out location matching in (b) by a trusted location service provider and is digitally-signed by the latter.

17. A method according to claim **1**, wherein the user-associated program instance specifies a particular number of times (including only once) that it can be run.

18. A service delivery system comprising:

a location-data repository;

a service repository;

a service factory;

a qualification subsystem for conducting a transaction of a user purchasing a service or product that qualifies the user to benefit from a particular location-triggered service, the qualification subsystem being arranged, upon determining that the user is so qualified, both to store in the location-data repository location data indicative of at least one location where service delivery is to be triggered, and also to create in the service factory and store in the service repository a user-associated instance of executable program for implementing said particular service, this program instance being customized for said transaction and being distinct from said location data;

a service execution environment for executing user-associated program instances;

a location-match subsystem for detecting a location match between the location of the user, as indicated by the location of a mobile entity associated with the user, and a location indicated by said location data; and

a control arrangement responsive to the location-match subsystem detecting said location match to initiate execution of the user-associated program instance to deliver said particular service to the user.

19. A system according to claim 18, wherein the location-data repository is incorporated in said mobile entity associated with the user.

20. A system according to claim 18, wherein the service repository is incorporated in said mobile entity associated with the user.

21. A system according to claim 20, wherein the service execution environment is incorporated in said mobile entity associated with the user.

22. A system according to claim 20, wherein the service execution environment is separate from the mobile entity but can inter-communicate with the latter via a wireless infrastructure at least when the mobile entity is positioned to give rise to a location match, the mobile entity being operative to pass the user-associated program instance to the execution environment via the wireless infrastructure upon occurrence of said location match.

23. A method according to claim **1**, wherein in (a), the user-associated program instance is stored in the mobile entity, the detection of said location match in (b) resulting in the program instance being executed at the mobile entity.

24. A method according to claim **1**, wherein in (a), the user-associated program instance is stored in the mobile entity, the detection of said location match in (b) resulting in the program instance being passed from the mobile entity to a service provider system where it is then executed.

25. A method according to claim **1**, wherein in (a), the user-associated program instance is stored in a service provider system, the detection of said location match in (b) resulting in the program instance being executed by the service provider system.

26. A method according to claim **1**, wherein the user-associated program instance and the location data are stored in the same entity.

27. A method according to claim **1**, wherein the user-associated program instance and the location data are stored in different entities, the location data having associated data enabling the entity storing the program instance to be informed when said location match is detected in (b).

45. A method according to claim **1** wherein the user associated program instance includes instructions advising the user to perform an act associated with the purchased service or product, the act being in addition to and different from the purchased service or product.

46. A system according to claim **18** wherein the user associated program instance includes instructions advising the user to perform an act associated with the purchased service or product, the act being in addition to and different from the purchased service or product.

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IX. Evidence Appendix

None.

X.   **Related Proceedings Appendix**

None.